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AUTHOR Badger, Susan E.
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ABSTRACT

The California Association of Independent Schools (CAIS) and the California Association of Private School Organizations (CAPSO) face a challenge to be a united voice in the public arena. Since the position of director for governmental relations for CAPSO is currently held by the director of education for the California Catholic Conference (CCC), there is an obvious concern that the interests of the independent schools may not always coincide with the interests of the CCC. The political issue affecting these groups was a voucher initiative called the Coons-Sugarman Voucher. The CCC took a very careful stance of "no position." The rest of the CAPSO group was so divided that each member was left totally on his or her own. CAIS initially opposed the initiative, then strove to be both neutral and informative in tone. Although the initiative is a dead issue, it is imperative that independent schools develop a high communal degree of enlightened self-interest; only through state associations can this united self-interest find a voice. (Author/MLF)

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NAIS WORKSHOP PRESENTATION
Affecting State Legislative Decision-Making
March 20, 1980

by

Susan B. Badger

The mechanism we have for affecting state legislative decision-making in California is closely tied in with our CAPE group, which actually pre-dates state CAPEs and therefore is known by a different acronym, CAPSO. CAPSO stands for the California Association of Private School Organizations, and dates back to 1972.

The outline of the mechanism is contained in the top sheet of your hand-out, which comes from the by-laws of CAPSO and describes the position of Director for Governmental Relations. This position is currently held, on a more or less permanent basis, by the Director of Education for the California Catholic Conference. Joe McElligott. Mr. McElligott is resident in Sacramento, is a very political animal, and is very good at what he does. It is my understanding that this arrangement has worked remarkably well over the past few years, and has certainly been a boon to me in my first year with CAIS, as a newcomer not only to the Association but to the state.

There is an obvious concern that the interests of the independent schools may not always coincide with the interests of the Catholic Conference; there is the equally strong concern that the visible voice of the private school community in California not be exclusively that of the Catholic schools. CAIS has been fortunate in its 35-year history to have built itself a strong public presence, and to be a voice to be reckoned with when the interests of the private school world are at stake. It has been my experience in the job that I have inherited that the CAIS opinion is sought by, among others, the higher echelons of the

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State Department of Education, and inquiries about virtually every aspect of the private schools are often referred to my office. This is a relationship I have encouraged in my travels around the state in my first year to "meet the folks".

I have also been fortunate in my first year to have a good introduction to some of the embroilments of education and politics in California, without the trial by fire that would have been the case if the Voucher initiative had qualified for the June ballot and we were even now in the throes of the election campaign. Perhaps the saga of our struggle to develop a public position on the voucher is a good illustration of the challenge to an independent school association to be a united voice in the public arena.

In this regard, the CAPSO connection was no use at all. Joe McElligott was personally a strong proponent of the Coons-Sugarman Voucher, but the Catholic Conference took a very careful stance of "no position". The rest of the CAPSO group was so divided that each member was left totally on its own. CAIS began last summer with a small group from the Executive Committee that were assigned to develop a draft position. We were pretty much agreed that we thought the voucher a disaster, not only from our own point of view, but from the point of view of education in general in California. Look at the opening statement of the Voucher initiative, which is the second sheet of your handout. The expressed purposes of the initiative sound like apple pie and motherhood. We chose, in our first attempt, to concentrate on how, in fact, the initiative as we saw it would fail to accomplish any of these purposes. Our draft position, dated July 26, 1979, comprises pages 3 and 4 of the handout; this was the result of an original draft that was circulated to members of the Executive Committee and some other independent school people outside the state who had expressed some interest, notably NAIS, and Art Powell of the Commission on Educational Issues.

Some of their comments were incorporated in this final draft, though the tone and the position remained strongly negative. The reaction to this draft was, I think, fairly typical of independent schools associations; we heard from practically nobody, except a strongly vocal minority who felt that taking a strong position against family choice was a staggering mistake politically for schools perceived by the general public as being elitist and exclusive. It turned out later that most of our membership liked this original paper, and used it as an informational tool in presenting the issues to their own constituencies. However, the Executive Committee of CAIS felt compelled to go back to the drawing boards in October and come up with a new statement that strove to be both neutral and informative in tone. The result is the last page of your packet. This statement, depending on your point of view, is either statesmanlike or wishy-washy. As one called upon to defend this statement to, among others, the Advisory Committee on Education to the Mayor of Los Angeles, and a couple of newspaper reporters, I found that it gave me an avenue to open up some of the tremendously complex issues involved in the voucher initiative, but that it was frustrating in the extreme to those who insisted on knowing how our segment of the private school community would react to an established voucher plan.

Now that the Coons-Sugarman Voucher Initiative is -- at least for the time being -- a dead issue, what does this little history tell us? Among other things, it is a classic illustration of the difficulty of getting an independent school association to agree on anything. But it also suggests a (hopefully) growing sophistication with the issues involved in balancing our own private self-interest with the realities of political life in the public sector. John Esty and Jack Sanders have provided us with some real leadership in this regard, most notably in the saga of the IRS regulations, and my distinguished colleagues on this panel show us what political savvy at the state level can be

like at its best. I can only imagine what we in California would be faced with now if, indeed, the voucher were on the June ballot and were were feeling increasing pressure to take a firm stand; and then, if it passed, how the nature of my job would change, with presence in Sacramento high on the list as the Legislature began its implementation. Increasingly activist legislatures all over the country are making it imperative that independent schools develop a high communal degree of enlightened self-interest; and the practicalities of the daily life of school heads suggest that only through state associations can this united self-interest find a voice.

Director for Governmental Relations

The Director for Governmental Relations shall keep abreast of existing and proposed governmental administrative actions, litigation and/or legislation likely to affect the educational interests or practices of CAPSO members. He shall report regularly at all meetings of the Executive Council and shall, as far as possible, notify member organizations of matters requiring action. With active cooperation of the Executive Council, the Director for Governmental Relations shall maintain an accurate up-to-date matrix of the various views held by member organizations on current educational issues at both state and national levels. To the best of his judgment, he shall represent the interests of CAPSO before governmental administrative entities, legislative bodies and/or judicial organizations. In speaking for CAPSO, the Director shall be bound by the provisions set forth in Article III Section 2 f of these bylaws.

III Section 2. Functions of the Executive Council

a) The business of the association shall be conducted by its Executive Council which shall establish policies for the management of CAPSO and for the guidance of its officers.

b) The Executive Council shall elect the officers of the association.

c) The Executive Council shall have the power to establish standing and special committees for purposes which they consider appropriate.

d) The Executive Council may invite advisory persons to attend meetings of the Council.

e) Each member of the Executive Council or his designee shall be entitled to one vote in person upon each subject properly submitted to vote.

f) CAPSO may support or oppose legislative or administrative actions when there is unanimity among member organizations. In cases where unanimity of opinion cannot be achieved, the Director for Governmental Relations and other officers of CAPSO may proceed in support or opposition by specifically representing only those members comprising the majority opinion.

AN INITIATIVE FOR FAMILY CHOICE IN EDUCATION

I. THE FOLLOWING SECTION SHALL BE ADDED TO ARTICLE IX OF THE CALIFORNIA CONSTITUTION

1. Purpose

The People of California have adopted this section to improve public education and to increase the authority of parents and teachers. It is their further purpose:

a. To empower every family to choose among different kinds of schools;

b. To eliminate the use of property taxes for schools;

c. To place a constitutional limit on school expenditures;

d. To eliminate the administrative costs of excessive regulation;

e. To decentralize the public administration of education;

f. To protect freedom of religion but aid no religion;

g. To protect children against discrimination on the basis of race, creed, gender, or family income.

2. Family Rights

Every family shall have the right:

a. To enroll its children in public schools, independent public schools, or schools not administered by government but which meet the standards specified in this section;

b. To choose among such schools in a manner unaffected by family income;

c. To petition its school district of residence to establish independent public schools governed by combinations of parents, teachers, trustees, and others.

3. Elimination of Property Tax for Schools

Except to the extent that ad valorem taxes or special assessments are necessary to pay the interest and redemption charges upon debts of any school district existing on June 3, 1980, including reserve or sinking funds required in connection

CAIS POSITION ON COONS/SUGARMAN INITIATIVE

July 26, 1979

CAIS opposes the Coons-Sugarman Initiative. The purposes it espouses are laudable; the methods proposed will not, we believe, accomplish them.

In reviewing the preamble and the purposes of the initiative, we find none is in fact satisfied by the initiative itself.

1. The initiative proposes "to improve public education;" open enrollment has in itself never improved public school education by any measurable standard.

2. The initiative proposes "to increase the authority of parents;" in fact, beyond the initial choice of schools, there is no guarantee that parents may have increased involvement in the schools, let alone authority over them,

3. The initiative proposes "to increase the authority of ... teachers," but makes no specific provision for this aim.

4. The initiative proposes "to empower every family to choose among different kinds of schools;" it will not empower them, however, to choose those schools which insist upon admissions selectivity or which compel its students to "actively participate in ceremony symbolic of belief." CAIS believes that at the heart of successful education by choice is the concept of joint choice, by family and school; and that independent schools committed to certain religious beliefs and practices have a right to expect those beliefs from incoming families and their practice by students.

5. The initiative hopes "to eliminate the use of property taxes for schools" and "to place a Constitutional limit on school expenditures;" we understand and approve the need for reform in these areas. We believe, however, that these matters are being addressed by the Serrano v. Priest decision of 1974, Proposition 13 of 1978, and the Gann Initiative of 1979. We further believe that they do not pertain to the fundamental issue - education by choice.

6. The initiative proposes to eliminate the administrative costs of excessive regulation and to decentralize the public administration of education; in our judgment, its passage would add to the administrative costs in at least the following areas: counseling services, transportation, admissions lottery, curriculum control, testing, personnel qualifications, independent review of dismissals, school certification and evaluation, redemption of certificates, guaranteed loans for facilities, and other regulations left for Legislative definition. A new bureaucracy would have to be created on State and local levels which would not contribute either to education of higher quality or to economy of operation.

7. The initiative hopes "to protect freedom of religion but aid no religion." Freedom of religion is well protected by the Federal and State constitutions. Freedom for religious education, a separate and more complicated issue, is not advanced by this initiative; only schools which teach about religion can become private scholarship schools. Those who expect its practice are excluded. (Section 13, Paragraph 2.)

8. The initiative proposes to protect children against discrimination on the basis of race, creed, gender, or family income. We support these anti-discriminatory purposes enthusiastically. We believe, however, that current statutes protect children with regard to race, creed, and gender, and implementation of the Serrano decision will satisfy the needs with regard to family income.

Not only does the initiative fail to satisfy the purposes for which it is intended, it also is seriously flawed in numerous details. For example:

A. Open enrollment among public schools is encouraged but not required - surely a fundamental first step.

B. Funding is undefined and vague. Much is left in the hands of the Legislature, which is but poorly directed by the initiative. There are in addition fundamental contradictions between articles fourteen and fifteen.

C. In earlier drafts, the initiative calls for a pool fund through which students might be admitted to more costly schools than those which can be funded under the 90% rule of Article 15. This provision has now been eliminated, thus damaging one basic purpose of the initiative - choice in education.

D. Finally, there is a question of timing. There is an energy crisis in the land; should we now be adding to the numbers of children in gasoline-fuelled school buses? Further, our public schools are manfully adjusting to Serrano v. Priest, declining enrollment, court-ordered busing, Proposition 13, to mention a few. Is now the time for another major reform, and another layer of administrative bureaucracy? We think not.

In short, the initiative will not accomplish its purposes, will further imperil public education, and will not benefit those choosing independent education.

The California Association of Independent Schools

1453 N. San Antonio Ave. • Upland, California 91786 • (714) 981-0618

The California Association of Independent Schoools endorses the concept of extending freedom of choice in education to all families in the State of California. The purposes of the Coons/Sugarman Initiative are laudable. Some of the methods proposed to implement these purposes are open to question. However, CAIS welcomes discussion of significant issues in public and non-public education, and believes the debate on the Initiative will be beneficial.

CAIS is pleased that the Initiative attempts to allow support for schools which teach religion. The Association regrets that recent court decisions have discriminated against those parents who seek a religious environment for their children's education and is disappointed that the Initiative could not, therefore, include schools at which students actively participate in ceremony symbolic of belief. To that extent, the Initiative does not extend freedom of choice to all families.

The Association is further concerned that voucher schools will have no choice in the selection of their students. Loss of this selectivity would greatly alter the nature of many member schools. This provision alone will be sufficient to prevent many independent schools from participating.

The Initiative leaves significant decisions to the State Legislature, much that should have been explicit is not. It is quite possible that the bureaucracy necessary to implement the provisions of the Initiative will be as expensive and inflexible as that it is to replace. Furthermore, enabling legislation could seriously reduce the independence promised to participating schools.

For all these reasons, while the Association is sympathetic to the stated purposes of the Initiative, it will neither oppose nor endorse it, but urges careful study of all its aspects and implications.